

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

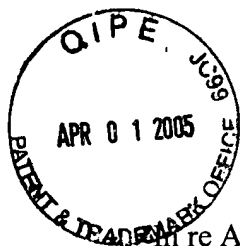
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/788,150																															
		Filing Date	February 16, 2001																															
		First Named Inventor	Stewart et al.																															
		Art Unit	3624																															
		Examiner Name	Charles R. Kyle																															
Total Number of Pages in This Submission	7	Attorney Docket Number	BEAS-01033US0																															
<b>ENCLOSURES</b> <i>(Check all that apply)</i>																																		
<table border="1"><tr><td><input type="checkbox"/> Fee Transmittal Form Fee Attached</td><td><input type="checkbox"/> Drawing(s)</td><td><input type="checkbox"/> After Allowance Communication to TC</td></tr><tr><td><input type="checkbox"/> Preliminary Amendment</td><td><input type="checkbox"/> Licensing-related Papers</td><td><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences</td></tr><tr><td><input type="checkbox"/> After Final</td><td><input type="checkbox"/> Petition</td><td><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)</td></tr><tr><td><input type="checkbox"/> Affidavits/declaration(s)</td><td><input type="checkbox"/> Petition to Convert to a Provisional Application</td><td><input type="checkbox"/> Proprietary Information</td></tr><tr><td><input type="checkbox"/> Extension of Time Request</td><td><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address</td><td><input type="checkbox"/> Status Letter</td></tr><tr><td><input type="checkbox"/> Express Abandonment Request</td><td><input type="checkbox"/> Terminal Disclaimer</td><td><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):</td></tr><tr><td><input checked="" type="checkbox"/> Information Disclosure Statement</td><td><input type="checkbox"/> Request for Refund</td><td>Post Card</td></tr><tr><td><input checked="" type="checkbox"/> (20) Cited Document(s)</td><td><input type="checkbox"/> CD, Number of CD(s)</td><td>Copies of References Cited</td></tr><tr><td><input type="checkbox"/> Reply to Missing Parts/Incomplete Application</td><td><input type="checkbox"/> Landscape Table on CD</td><td></td></tr><tr><td><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53</td><td>Remarks :</td><td></td></tr></table>					<input type="checkbox"/> Fee Transmittal Form Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC	<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter	<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Post Card	<input checked="" type="checkbox"/> (20) Cited Document(s)	<input type="checkbox"/> CD, Number of CD(s)	Copies of References Cited	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD		<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks :	
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>																																		
Firm Name	Fliesler Meyer LLP - Customer Number 23910																																	
Signature																																		
Printed Name	Karl F. Kenna																																	
Date	3/30/2005	Reg. No.	45,445																															
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:																																		
Signature																																		
Typed or printed name	Teri Muir	Date	3-30-05																															

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### Parent Application

Inventor(s): Stewart et al.  
Appln. No.: 09/788,150  
Confirm. No.: 4289  
Filed: February 16, 2001  
Title: Open Market Collaboration System for Enterprise  
Wide Electronic Commerce

### PATENT APPLICATION

Art Unit: 3624  
Examiner: Charles R. Kyle

**Customer No. 23910**

#### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 3.30.05.

Teri Muir (Attorney Signature)  
Teri Muir  
Signature Date: 3.30.05

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

#### ***Enclosed with this statement are the following:***

☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

☐ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: [pac/dapp/opla/preognotice/idswouscopies.htm](http://pac/dapp/opla/preognotice/idswouscopies.htm), copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

04/04/2005 AWONDAF1 00000012 061325 09788150

01 FC:1806 180.00 DA

- ✓ The present application was filed prior to June 30, 2003. A copy of each cited document as required by 37 C.F.R. §1.98 is enclosed, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

— If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

Copy of International Search Report attached.

***This statement should be considered because:***

— **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

— (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).

-- OR --

✓ (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

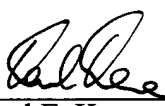
- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --  
(2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --  
(3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

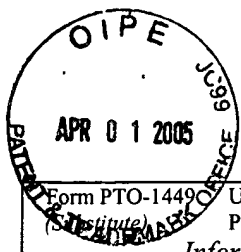
Respectfully submitted,

FLIESLER MEYER LLP

Date: 3/30/2005

By:   
Karl F. Kenna  
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Form PTO-1449 (Rev. 11/94) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <b>Information Disclosure Statement</b> <b>BY APPLICANT</b> (Use several sheets if necessary)	Attorney Docket Number	Serial/Patent Number
	BEAS-01033US0	09/788,150
	Applicant/Patent Owner Stewart et al.	
	Filing/Issue Date	Group Art Unit
	February 16, 2001	3624

### U.S. PATENTS

Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	5,321,841	06/14/94	East et al.	395	725	01/29/93
	5,961,593	10/05/99	Gabber et al.	709	219	01/22/97
	6,067,623	05/23/00	Blakeley III, et al.	713	201	11/21/97
	6,212,548 B1	04/03/01	De Simone et al.	709	204	07/30/98
	6,338,064 B1	01/08/02	Ault et al.	707	9	05/14/98
	6,401,111 B1	06/04/02	Dan et al.	709	204	09/11/98
	6,604,198 B1	08/05/03	Beckman et al.	713	167	05/03/02
	6,795,967 B1	09/21/04	Evans et al.	719	310	01/26/99
	6,802,000 B1	10/05/04	Greene et al.	713	168	10/28/99

### U.S. PATENT PUBLICATIONS

Examiner Initial	Patent Application Publication Number	Publication Date	Applicant
	2001/0037367 A1	11/01/01	Iyer
	2002/0078365 A1	06/20/02	Burnett et al.
	2003/0041198 A1	02/27/03	Exton et al.
	2003/0131050 A1	07/10/03	Vincent
	2004/0015548 A1	01/22/04	Lee
	2004/0034687 A1	02/19/04	Friedman
	2004/0078435 A1	04/22/04	Dunbar et al.
	2004/0078455 A1	04/22/04	Eide et al.
	2004/0136511 A1	07/15/04	Schwartz et al.
	2004/0145608 A1	07/29/04	Fay et al.
	2004/0158610 A1	08/12/04	Davis et al.

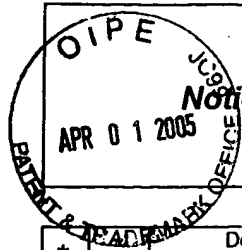
Examiner

Date Considered

**\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

\*1 = Copy not submitted because it was submitted in prior application SN \_\_\_\_ / \_\_\_\_, filed \_\_\_\_, 20 \_\_, relied on under 35 USC §120.

\*2 = Copy not submitted because it was submitted in prior application SN \_\_\_\_ / \_\_\_\_, filed \_\_\_\_, 20 \_\_, relied on under 35 USC §120.



# Notice of References Cited

Application/Control No.

10/733,599

Applicant(s)/Patent Under

Reexamination  
FRY, CHRIS

Examiner

Jungwon Chang

Art Unit

2154

Page 1 of 1

## U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-2001/0037367	11-2001	Iyer, Sridhar V.	709/204
B	US-2004/0078455	04-2004	Eide et al.	709/223
C	US-6,401,111	06-2002	Dan et al.	709/204
D	US-6,212,548	04-2001	DeSimone et al.	709/204
E	US-2004/0078435	04-2004	Dunbar et al.	709/206
F	US-2004/0145608	07-2004	Fay et al.	345/758
G	US-2004/0015548	01-2004	Lee, Jin Woo	709/204
H	US-2003/0131050	07-2003	Vincent, Christopher R.	709/203
I	US-2004/0034687	02-2004	Friedman, Lee G.	709/205
J	US-2004/0136511	07-2004	Schwartz et al.	379/093.01
K	US-2004/0158610	08-2004	Davis et al.	709/206
L	US-			
M	US-			

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## FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

## NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	Budzik et al, "Clustering for Opportunistic Communication", Dept. of Computer Science, Northwestern University, July, 16, 200
V	Fliesler, Meyer LLP File: <u>BEAS-010333US0</u>
W	Action Item: <u>suppl. info disc. stmt</u> Date Due: <u>March 26, 2005</u> Critical Date: <u>March 26, 2005</u>
X	Attorney Path: <u>SPM/KEK/SKP</u> Docketed By: <u>JCM</u> Verified By:

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Remark

60/392,144  
60/392,237

BEAS-01258051

60/396,906  
60/397,157

**Notice of References Cited**

60/397,919

Application/Control No.

10/212,303

Applicant(s)/Patent Under  
Reexamination  
GARIMELLA ET AL.

Examiner

Bunjoo Jaroenchonwanit

Art Unit

2143

Page 1 of 1

**U.S. PATENT DOCUMENTS**

	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-2002/0078365 A1	06-2002	Burnett et al.	713/200
B	US-6,067,623 A	05-2000	Blakley et al.	713/201
C	US-5,961,593 A	10-1999	Gabber et al.	709/219
D	US-6,802,000 B1	10-2004	Greene et al.	713/168
E	US-6,338,064 B1	01-2002	Ault et al.	707/9
F	US-6,604,198 B1	08-2003	Beckman et al.	713/167
G	US-6,795,967 B1	09-2004	Evans et al.	719/310
H	US-2003/0041198 A1	02-2003	Exton et al.	710/200
I	US-5,321,841 A	06-1994	East et al.	718/107
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

**NON-PATENT DOCUMENTS**

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	Fliesler, Meyer LLP File: <u>BEAS-01033058</u>
V	Action Item: <u>suppl. info discl stmt.</u> Date Due: <u>March 28, 2005</u> Critical Date: <u>March 28, 2005</u>
W	Attorney Path: <u>SEM/KFK/SKY</u> Docketed By: <u>SEM</u>
X	Verified By: <u>Kunk</u>

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.